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EDITORIAL: Moving water

As if Southern Nevada and the urban West don't have enough water worries with the ongoing drought, a case before the U.S. Supreme Court could complicate the issue even further.

In a matter that should be decided by the middle of next year, the justices will rule in a Florida case whether water diversions into the Everglades require permits under federal anti-pollution laws.

Water diversions are common transfer mechanisms throughout the West. If the court offers a broad decision in favor of environmentalists, the process of moving water for urban use will become more difficult and expensive.

"This case will, without a doubt, have impact around the country on anybody who manages water," Scott Glazier of the **South Florida Water Management District** told the Los Angeles Times.

In a friend of the court brief, Colorado's attorney general noted, "At risk ... is the continued ability to divert freely water from one basin for delivery in another basin in order to meet municipal, agricultural and industrial demands."

Nobody wants to see serious pollutants pumped into pristine water during a diversion. At the same time, however, requiring agencies involved in routine water transfers to go through Clean Water Act red tape seems like bureaucratic overkill.

As Colorado water attorney Peter Nichols told the Times, water pumped from the west side of the Rocky Mountains to be stored in reservoirs on the Front Range often contains sediment that contains what could be considered pollutants. Is that really what the Clean Water Act was designed to prevent?

The Bush administration argues that Congress never intended to force facilities merely transferring water or connecting waterways to obtain federal pollution permits. If the Supreme Court rejects that position, it should do so in a narrowly crafted fashion that doesn't further hinder the ability of Western water managers to move this precious resource around the region for the highest and best use.